



THE BALL IS IN YOUR COURT

How you can minimize cost, stress and hassle when a legal issue crops up

Whether it's a service contract, real estate law or an unexpected legal tussle, it's easy to be intimidated by legal issues – maybe because “fine print,” legal documents, laws and statutes often sound like this:

When, in consequence of a valid limitation of a future interest, there is a suspension of the power of alienation or of the ownership during the continuation of which the income is undisposed of, and no valid direction for its accumulation is given, such income belongs to the persons presumptively entitled to the next eventual interest.

(California Civil Code, Section 733, “Rights of Owners”)

Sometimes it seems like such language is designed to make us run to the nearest law firm pleading for clarity.

But don't do it. Not yet, at least! Take time first to understand your situation well enough to get the help you need from the source that's right for you. Your EAP and the online resource www.nolo.com use plain English to explain and assist with legal issues.

A LITTLE KNOWLEDGE GOES A LONG WAY

Write down your problem and your goal for resolution, and then see what you can easily learn about applicable laws, your relevant rights and responsibilities, and community resources that deal with the type of issue you're facing. You can begin by calling your EAP, referencing the legal section of members.mhn.com or visiting www.nolo.com.

Some issues turn out to be very simple, and you may find you can resolve them on your own or with a little bit of guidance from your EAP.

Other problems, of course, are too complicated to effectively handle yourself, but being even a little bit educated can empower you to manage your situation wisely.

YOU MAY BENEFIT FROM MEDIATION

From divorce and custody issues to neighbor-to-neighbor grievances, mediation is often the best way to reach a resolution. With mediation, an impartial third-party (the mediator) helps resolve the dispute out of court. Mediation is not legally binding, but compared to a court case it is quick, private and affordable. It is also far more likely to end with an amicable agreement – something you'll want to think about if you will have an ongoing relationship with the other party.

IF YOU NEED A LAWYER

If you *do* need a lawyer, make sure to find one who's right for you. Write your questions down so you have them handy during your initial consultation. Before you hire a lawyer, get a clear picture of his or her:

- Experience with cases like yours
- Style (Will this individual be a good fit for you? Is he or she well organized, and committed to returning your calls promptly and keeping you updated on the status of your case?)
- Willingness to consider alternative forms of dispute resolution, such as mediation

THE LEGAL BILL: AVOID UNPLEASANT SURPRISES

You should also find out how long the lawyer estimates it will take to resolve your issue, how you will be billed and what will be included in the lawyer's fees. Common billing methods include:

- **Hourly.** Hourly fees vary widely, but generally fall between \$75 and \$300 per hour. Billable time can quickly add up, so make sure to get an estimate of billable hours in advance. When billing by the hour, some lawyers require a retainer (a deposit against upcoming expenses).

- **Flat fee.** Usually for uncomplicated legal assistance, such as filing for a name change or drawing up a simple will.
- **On contingency.** This is often how personal injury cases are handled. You pay nothing up front; rather the lawyer keeps 20-40% of the recovery.

THE BOTTOM LINE

Remember, whether you are a do-it-yourself type taking things into your own hands, or you have a complex legal issue best handled by a lawyer, you have the power to manage the situation by understanding your options and finding the help that's right for you.

This article is for informational and self-help purposes only. It should not be treated as a substitute for legal or financial advice, or as a substitute for consultation with a qualified professional.

In a Legal Jam? Call your EAP!

As an MHN member, you're entitled to one free 30-minute office or telephone consultation per separate legal matter, with either a network attorney or mediator.

If you want to retain an attorney or a mediator after the initial consultation, you get 25% off the normal hourly rate.

Call toll-free for confidential help with:

- Civil and consumer issues
- Personal and family legal services
- Business legal services
- Real estate legal issues
- Criminal matters
- IRS matters
- Estate planning law

For more information, call

(866) EAP-4SOC

(866) 327-4762

TDD callers, please dial (800) 327-0801

Or visit us online at:

www.eap4soc.mhn.com

Matters involving disputes or actions between members and their employer, or MHN, are excluded. Also excluded are matters that, in the attorney's opinion, lack merit. Court costs, filing fees and fines are the responsibility of the member.